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<div>7590 Cynthia S. Byrd IBM Corporation 11400 Burnet Rd. Austin, TX 78758-5884</div>				
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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/876,118
Filing Date: June 07, 2001
Appellant(s): BHOGAL ET AL.

MAILED

SEP 20 2007

Technology Center 2100

Mark S. Walker
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the supplemental appeal brief filed 6/7/2006 appealing from the Office action mailed 6/2/2005.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Beck et al., U.S. Patent No. 5,903,723 (herein referred to as Beck).

Referring to claims 1, 5, and 9, Beck taught a distributed computer system including a server and a client, the server including a message store, a method (or a computer program product having computer code on a computer readable medium) for delivering Web content within a body section of electronic mail messages (Beck, figure 6) comprising:

- a. receiving at a server, at least one mail message containing an embedded hyperlink (Beck, column 5, lines 6-33);
- b. downloading Web content associated with the hyperlink into the message store at the server (Beck, column 5, lines 6-33 and column 13, lines 31-39); and
- c. transmitting the mail message and the corresponding Web content for display at the client (Beck, column 5, lines 6-33).

Referring to claims 2, 6, and 10, Beck taught the method (or product) further comprising:

- a. detecting, at the server, plurality of incoming mail messages containing a common hyperlink (Beck, column 5, line 34 – column 6, line 12; column 8, line 56 – column 9, line 16);
- b. tagging each incoming mail message containing the common hyperlink (Beck, column 5, line 34 – column 6, line 12; column 8, line 56 – column 9, line 16);
- c. storing one copy of the Web content associated with the common hyperlink in the message store at the server (Beck, column 5, line 34 – column 6, line 12; column 8, line 56 – column 9, line 16); and
- d. parsing the hyperlink when a tagged message is sent to the client (Beck, column 5, line 34 – column 6, line 12; column 8, line 56 – column 9, line 16).

Referring to claims 3, 7, and 11, Beck taught the method (or product) further comprising determining whether the Web content exceeds a predetermined size and in response to determining that

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the Web content exceeds a predetermined size, compressing the Web content that exceeds a predetermined size, at the server (Beck column 6, lines 38-60).

Referring to claims 4, 8, and 12, Beck taught the method (or product) further comprising:

a. determining whether the client has a preset time for downloading messages containing Web content (Beck, column 13, lines 31-39); and

b. in response to determining that a preset time for downloading Web content exists, caching the message and Web content at the server until the preset time is reached (Beck, column 13, lines 31-39).

(10) Response to Argument

Applicant argued that Beck failed to disclose *downloading Web content associated with the hyperlink into the message store at the server*. As shown in column 5, lines 15-33, Beck downloaded Web content associated with a hyperlink into a "message store" at a server.

Applicant argued that Beck failed to disclose *transmitting the mail message and the corresponding Web content for display at the client*. As shown in column 5, lines 6-33, Beck transmitted a mail message and the corresponding Web content.

Applicant argued that Beck did not teach resolving a Web hyperlink and downloading the content referenced. Applicant argued that Beck did not resolve the Web hyperlink at the mail server. Applicant's argument of how the hyperlink was resolved and the content transmitted is contrary to the claim language. Beck fulfilled the claim limitations of receiving a message with an embedded hyperlink, storing the associated content for the hyperlink based upon the hyperlink, and transmitting the message and the content to the user. The "attachment reference" in Beck is the hyperlink as applied to the claims.

Applicant argued that Beck failed to disclose the elements of claims 5 and 9 which were similar to claim 1. This language was discussed previously in this examiner answer under the response to argument. Claims 5 and 9 are different embodiments of claim 1.

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Applicant argued that Beck failed to disclose *parsing the hyperlink when a tagged message is sent to the client*. Beck disclosed a local computer reading a pointer, or attachment reference, or hyperlink, which allowed a computer to access the stored content. See Beck, column 5, lines 11-33.

Applicant argued that Beck failed to disclose testing the size of Web content access using a hyperlink in an e-mail message and, in response to the test, compressing the content before storing it on the server. Applicant argued the previously discussed argument involving the "resolving" of the hyperlink and where said "resolving" occurred.

Applicant argued that Beck failed to disclose *determining whether the client has a preset time for downloading messages containing Web content; and in response to determining that a preset time for downloading Web content exists, caching the message and Web content at the server until the preset time is reached*. Beck disclosed in column 13, lines 31-36 that messages were downloaded at a later time. The time of download was the preset time, and was when the downloading of messages occurred. Both the message and the Web content were stored on the mail server until the user accessed the server to download the mail.


All arguments by Applicant have been herein addressed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jeffrey R. Swearingen 

Conferees:

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